

AMENDED IN ASSEMBLY APRIL 25, 2007

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 1575

Introduced by Assembly Member Richardson

February 23, 2007

An act to amend Section 3068 of the Civil Code, relating to vehicle liens.

LEGISLATIVE COUNSEL'S DIGEST

AB 1575, as amended, Richardson. Vehicle liens.

Existing law provides that every person has a lien dependent upon possession for the compensation to which the person is legally entitled for making repairs or performing labor upon, and furnishing supplies or materials for, and for the storage, repair, or safekeeping of, and the rental of parking space for, any vehicle subject to registration, as specified. A lienholder must obtain authorization to conduct a lien sale for a vehicle with a value determined to be over \$4,000. Existing law provides that the portion of the lien in excess of \$750 for any work or services, or the amount in excess of \$400 for any storage, safekeeping, or rental of parking space, or in excess of \$500 for storage or safekeeping if an application for authorization to conduct a lien sale has been filed, rendered or performed at the request of any person other than the legal owner or lessor is invalid unless prior to commencing any work, services, storage, safekeeping, or rental of parking space, the person claiming the lien gives actual notice in writing, as specified, to the legal owner named in the registration certificate and the written consent of the legal owner is obtained before those services are performed.

This bill would increase those amounts from \$750 to ~~\$2,500~~ \$1,950, from \$400 to ~~\$1,000~~ \$1,025, and from \$500 to \$1,250, respectively, *subject to specified limitations on parking and storage fees. The bill would further limit the creation of a lien pursuant to these provisions to persons with a valid registration as an automotive repair dealer. The bill would prohibit the lienholder, upon completion of the work or services, from dismantling, disengaging, removing, or stripping from the vehicle the parts used to complete the work or services. The bill would provide that a vehicle lien shall be extinguished, and no lien sale shall be conducted, if the lienholder, after written demand by the legal owner or the lessor to receive a written copy of the work order or invoice reflecting the services or repairs performed and the authorization to perform the services or repairs, fails to provide that copy to the legal owner or lessor, or his or her agent, within 10 days.*

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 3068 of the Civil Code is amended to
2 read:
3 3068. (a) Every person *with a valid registration pursuant to*
4 *Chapter 20.3 (commencing with Section 9880) of Division 3 of the*
5 *Business and Professions Code* has a lien dependent upon
6 possession for the compensation to which the person is legally
7 entitled for making repairs or performing labor upon, and
8 furnishing supplies or materials for, and for the storage, repair, or
9 safekeeping of, and for the rental of parking space for, any vehicle
10 of a type subject to registration under the Vehicle Code, subject
11 to the limitations set forth in this chapter. The lien shall be deemed
12 to arise at the time a written statement of charges for completed
13 work or services is presented to the registered owner or 15 days
14 after the work or services are completed, whichever occurs first.
15 *Upon completion of the work or services, the lienholder shall not*
16 *dismantle, disengage, remove, or strip from the vehicle the parts*
17 *used to complete the work or services.*
18 (b) (1) Any lien under this section that arises because work or
19 services have been performed on a vehicle with the consent of the
20 registered owner shall be extinguished and no lien sale shall be
21 conducted unless either of the following occurs:

1 (A) The lienholder applies for an authorization to conduct a lien
2 sale within 30 days after the lien has arisen.

3 (B) An action in court is filed within 30 days after the lien has
4 arisen.

5 (2) A person whose lien for work or services on a vehicle has
6 been extinguished shall turn over possession of the vehicle, at the
7 place where the work or services were performed, to the legal
8 owner or the lessor upon demand of the legal owner or lessor, and
9 upon tender by the legal owner or lessor, by cashier's check or in
10 cash, of only the amount for storage, safekeeping, or parking space
11 rental for the vehicle to which the person is entitled by subdivision
12 (c).

13 (3) Any lien under this section that arises because work or
14 services have been performed on a vehicle with the consent of the
15 registered owner shall be extinguished, and no lien sale shall be
16 conducted, if the lienholder, after written demand made by either
17 personal service or certified mail with return receipt requested by
18 the legal owner or the lessor to inspect the vehicle, fails to permit
19 that inspection by the legal owner or lessor, or his or her agent,
20 within a period of time not sooner than 24 hours nor later than 72
21 hours after the receipt of that written demand, during the normal
22 business hours of the lienholder.

23 (4) *Any lien under this section that arises because work or*
24 *services have been performed on a vehicle with the consent of the*
25 *registered owner shall be extinguished, and no lien sale shall be*
26 *conducted, if the lienholder, after written demand made by either*
27 *personal service or certified mail with return receipt requested by*
28 *the legal owner or the lessor to receive a written copy of the work*
29 *order or invoice reflecting the services or repairs performed on*
30 *the vehicle and the authorization from the registered owner*
31 *requesting the lienholder to perform the services or repairs, fails*
32 *to provide that copy to the legal owner or lessor, or his or her*
33 *agent, within 10 days after the receipt of that written demand.*

34 (c) The lienholder shall not charge the legal owner or lessor any
35 amount for release of the vehicle in excess of the amounts
36 authorized by this subdivision.

37 (1) That portion of the lien in excess of ~~two thousand five~~
38 ~~hundred dollars (\$2,500)~~ *one thousand nine hundred fifty dollars*
39 *(\$1,950)* for any work or services, or that amount, *subject to the*
40 *limitations contained in Section 10652.5 of the Vehicle Code, in*

1 excess of one thousand ~~dollars (\$1,000)~~ *twenty-five dollars (\$1,025)*
2 for any storage, safekeeping, or rental of parking space or, if an
3 application for an authorization to conduct a lien sale has been
4 filed pursuant to Section 3071 within 30 days after the
5 commencement of the storage or safekeeping, in excess of one
6 thousand two hundred fifty dollars (\$1,250) for any storage or
7 safekeeping, rendered or performed at the request of any person
8 other than the legal owner or lessor, is invalid, unless prior to
9 commencing any work, services, storage, safekeeping, or rental
10 of parking space, the person claiming the lien gives actual notice
11 in writing either by personal service or by registered letter
12 addressed to the legal owner named in the registration certificate,
13 and the written consent of that legal owner is obtained before any
14 work, services, storage, safekeeping, or rental of parking space
15 are performed.

16 (2) ~~If~~ *Subject to the limitations contained in Section 10652.5 of*
17 *the Vehicle Code, if* any portion of a lien includes charges for the
18 care, storage, or safekeeping of, or for the rental of parking space
19 for, a vehicle for a period in excess of 60 days, the portion of the
20 lien that accrued after the expiration of that period is invalid unless
21 Sections 10650 and 10652 of the Vehicle Code have been complied
22 with by the holder of the lien.

23 (3) The charge for the care, storage, or safekeeping of a vehicle
24 which may be charged to the legal owner or lessor shall not exceed
25 that for one day of storage if, 24 hours or less after the vehicle is
26 placed in storage, a request is made for the release of the vehicle.
27 If the request is made more than 24 hours after the vehicle is placed
28 in storage, charges may be imposed on a full, calendar-day basis
29 for each day, or part thereof, that the vehicle is in storage.

30 (d) In any action brought by or on behalf of the legal owner or
31 lessor to recover a vehicle alleged to be wrongfully withheld by
32 the person claiming a lien pursuant to this section, the prevailing
33 party shall be entitled to reasonable attorney's fees and costs, not
34 to exceed one thousand seven hundred fifty dollars (\$1,750).